

Mail Stop Interference  
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Paper 33  
Filed: 3 December 2008

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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EDWARD L. TOBINICK,  
and ARTHUR JEROME TOBINICK,  
Junior Party  
(Patent 6,015,557),

v.

JUNMING LE,  
JAN VILCEK, PETER DADDONA,  
JOHN GHRAYEB, DAVID KNIGHT, and SCOTT SIEGEL,  
Senior Party  
(Applications 10/227,488 and 10/665,971)

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Patent Interference No. 105,621 (SGL)  
(Technology Center 1600)

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*Before: SALLY GARDNER LANE, SALLY C. MEDLEY, AND MICHAEL P. TIERNEY,  
Administrative Patent Judges.*

LANE, *Administrative Patent Judge.*

Judgment- Request for Adverse – Bd.R. 127(b)

1 Tobinick requests adverse judgment as to Count 2, the sole count of the  
2 interference. (Paper 32 at 2). The request is GRANTED.

3 It is:

4 ORDERED that judgment on priority as to Count 2 (Paper 23 at 1), the  
5 sole count of the interference, is entered against Junior Party Tobinick;

6 FURTHER ORDERED that claims 1-3, 13, 14, 17-21, and 23-25  
7 of Tobinick patent 6,015,557, which claims correspond to Count 2 (Paper 30 at 2), be  
8 CANCELLED, 35 USC § 135(a);

9 FURTHER ORDERED that the parties are directed to 35 USC § 135(c)  
10 and Bd. R. 205 regarding the filing of settlement agreements; and

11 FURTHER ORDERED that a copy of this judgment shall be entered into  
12 the administrative record of Tobinick patent 6,015,557 and Le applications 10/227,488  
13 and 10/665,971.

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